

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23480 of 2016

Arising Out of PS.Case No. -8 Year- 2016 Thana -C.B.I CASE District- PATNA

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1. Gouranga Chakraborty @ Gauranga Chakraborty son of Sri Narayan Chakaraborty, resident of 27/2 B.K. Temple Road. 13, Bally P.S. Bally District Howrah, West Bengal.

.... Petitioner/s

Versus

1. Union of India through the Central Bureau of Investigation, A.C.B., Patna.

.... Opposite Party/s

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with

Criminal Miscellaneous No.23530 of 2016

Arising Out of PS.Case No. -8 Year- 2016 Thana -C.B.I CASE District- PATNA

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1. Manas Rawat @ Manas Raswat @ Manas Raut son of Sri Damaru Dhar Rawat, Resident of 'Vrindavan', CB-54, Salt Lake City, Sector-1, P.S.- Bidhannagar (North), District- 24, Parganas North, Kolkata- 700064, West Bengal.

.... Petitioner/s

Versus

1. Union of India through the Central Bureau of Investigation, A.C.B., Patna.

.... Opposite Party/s

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with

Criminal Miscellaneous No.23599 of 2016

Arising Out of PS.Case No. -8 Year- 2016 Thana -C.B.I CASE District- PATNA

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Shailendra Kumar Gupta, Son of Late Mahendra Prasad Gupta, Dy. Chief Engineer Bridge & Line, O/O General Manager, East Central Railway, Hajipur, Resident of Flat No.302, Block-Ganga-2, Jalalpur City, P.S. Rupaspur, District Patna.

.... Petitioner/s

Versus

The Union of India through the Superintendent of Police Anti Corruption Branch, C.B.I. Patna.

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.23480 of 2016)

For the Petitioner/s : Mr. Satyabir Bharti, Adv.

Mr. Rajiv Verma, Sr. Adv.

For the Opposite Party/s : Mr. Bipin Kumar Sinha (SC CBI)

(In Cr.Misc. No.23530 of 2016)

For the Petitioner/s : Mr. Satyabir Bharti, Adv.

For the Opposite Party/s : Mr. Bipin Kumar Sinha (SC CBI)

(In Cr.Misc. No.23599 of 2016)

For the Petitioner/s : Mr. Sanjeev Kumar Mishra, Adv.

For the Opposite Party/s : Mr. Bipin Kumar Sinha(SC,CBI)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

C.A.V. ORDER.

Date:- 26-07-2016

1. All the above bail petitions have arisen out of Special Case No. 05 of 2016 arising out of RC Case No. 0232016A0008/2016/8A/2016 registered for the offences punishable under Section 120(B) of the Indian Penal Code and Sections 7, 12, 13(2) read with 13(1)(d) of Prevention of Corruption Act, 1988 and were heard together and accordingly, a common order is being passed in all the above stated three bail petitions.

2. Heard learned counsels for the petitioners as well as learned counsel appearing for the C.B.I.

3. Petitioner in Cr. Misc. No. 23599 of 2016, namely, Shailendra Kumar Gupta was posted as Deputy Chief Engineer, Bridge & Line, East Central Railway, Hajipur, Bihar at the relevant time. Petitioner in Cr. Misc. No. 23530 of 2016, namely, Manas Rawat @ Manas Raswat @ Manas Raut was Director of M/s. Rawatsons Engineers Pvt. Ltd. Kolkata. Petitioner in Cr. Misc. No. 23480 of 2016, namely, Gouranga Chakraborty @



Gauranga Chakraborty was an employee of aforesaid company. It is alleged that all the above stated petitioners entered into criminal conspiracy for causing wrongful loss to the railways and corresponding wrongful gain to themselves and in pursuance thereof, petitioner in Cr. Misc. No. 23599 of 2016 demanded illegal gratification in lieu of processing of bills, awarding of tender, facilitating award of other sub-contracts from petitioner in Cr. Misc. No. 23530 of 2016. It is alleged that petitioner in Cr. Misc. No. 23530 of 2016 handed over a mobile phone worth Rs. 52,000/- to one Pramod Kumar who had to deliver the said mobile to petitioner in Cr. Misc. No. 23599 of 2016 but the C.B.I. officials having got confidential information caught the aforesaid Pramod Kumar with said mobile and after that they arranged a TRAP team and when the aforesaid Pramod Kumar handed over said mobile to petitioner in Cr. Misc. No. 23599 of 2016, the C.B.I. officials caught the petitioner in Cr. Misc. No. 23599 of 2016 red handed accepting the aforesaid mobile. The house of petitioner in Cr. Misc. No. 23599 of 2016 was searched and more than rupees nine lacs and jewelry etc were recovered from his house.

4. Prior to alleged recovery, the C.B.I. officials having got confidential information put the phones of all the



petitioners on surveillance with prior permission of Home Ministry and it came to light that all the aforesaid petitioners were in constant touch and they were in conspiracy to cause wrongful loss to Railways by clearing bills of the company in question and for which the petitioner in Cr. Misc. No. 23599 of 2016 had demanded Rs. 3,00,000/- in bribery and it was petitioner in Cr. Misc. No. 23480 of 2016 who managed all the works on behalf of the concerned company at the direction of petitioner in Cr. Misc. No. 23530 of 2016.

5. Learned counsel appearing for the petitioner in Cr. Misc. No. 23480 of 2016 submits that nothing was recovered from conscious possession of the petitioner nor the aforesaid petitioner was caught taking any bribe. It is further submitted that petitioner is a small employee of the concerned company and so far as his extra-judicial confession is concerned, the same was taken under coercion. It is further submitted that according to prosecution case itself, the seized mobile was recovered from possession of one Pramod Kumar but it is surprising enough that the aforesaid Pramod Kumar has not been made accused in this case by the C.B.I. It is further submitted that so far as supply of so-called bottles of wine as well as chlorine is concerned, the same has not been recovered nor there is anything to show that the aforesaid

supply was made by the petitioner.

6. Learned counsel appearing for the petitioner in Cr. Misc. No. 23530 of 2016 submits that admittedly, petitioner is Director of company in question but the C.B.I. failed to collect any material to show that any bill of the company of the petitioner was pending and moreover, there is nothing on the record to show that aforesaid petitioner had offered any bribe to any employee of the railways.

7. Learned counsel appearing for the petitioner in Cr. Misc. No. 23599 of 2016 submits that according to prosecution case, the mobile in question was recovered from possession of one Pramod Kumar who has not been made accused in this case and after that the aforesaid Pramod Kumar handed over the said mobile to the petitioner. It is submitted that as a matter of fact, petitioner has been framed in this case by the C.B.I. when he refused to lend his ears towards illegal demand of some high ups and refused to take favour of those high ups in awarding tender. It is further submitted that moreover, petitioner was not only competent authority to award tender to any person. It is further submitted that investigation of the present case has already been completed and further detention of the aforesaid petitioner does not require.



8. On the other hand, learned counsel appearing for the C.B.I. opposed the prayer submitting that in course of investigation, not only conversations of the petitioners but several other materials were also collected by the investigating officer to show the involvement of the petitioners in the present crime. Learned counsel appearing for the C.B.I. further submits that the investigation against the petitioners has already been completed and the present case is pending for grant of sanction.

9. Having heard the rival contentions of both the parties, I went through the case diary. There are three sets of allegation against the petitioners. The first set of allegation is that petitioner in Cr. Misc. No. 23599 of 2016 demanded one mobile phone from petitioner in Cr. Misc. No. 23530 of 2016 with assurance that the price of aforesaid mobile would be adjusted towards pending bills of company of the petitioner in Cr. Misc. No. 23530 of 2016. The second set of allegation is that petitioner in Cr. Misc. No. 23480 of 2016 supplied two bottles of foreign liquor and chlorine to petitioner in Cr. Misc. No. 23599 of 2016 and also played a vital role in providing bribe to petitioner in Cr. Misc. No. 23599 of 2016. The third set of allegation is that petitioner in Cr. Misc. No. 23599 of 2016 was caught red handed taking mobile phone from one Pramod Kumar and huge cash

amount, ornaments etc. were recovered from his house.

10. Admittedly, the investigation of the case has already been completed and petitioners are languishing in jail custody for more than two months. Furthermore, the C.B.I. does not show its inclination for further interrogation of the petitioners and, therefore, it is obvious that the C.B.I. does not need further detention of the petitioners. Moreover, it has not been brought to the notice of the court that during course of investigation, C.B.I. collected any pending bill of company of petitioner in Cr. Misc. No. 23530 of 2016. Therefore, in the aforesaid circumstances, I think it proper to release all the petitioners on bail.

11. Accordingly, the petitioners, above named, are directed to be released on bail on furnishing bail bonds of Rs. 50,000/- (Fifty Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, C.B.I. No. III, Patna in connection with Special Case No. 05 of 2016 arising out of RC Case No. 0232016A0008/2016/8A/2016.

(Hemant Kumar Srivastava, J)

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